



Cowan, Liebowitz & Latman, P.C.
114 West 47th Street
New York, NY 10036

(212) 790-9200 Tel
(212) 575-0671 Fax
www.cll.com

Joelle A. Milov
(212) 790-9247
jam@ccll.com

November 13, 2024

VIA ECF

Hon. Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square, Courtroom 905
New York, New York 10007

The Court is in receipt of the endorsed letter. Defendant Songs of Universal, Inc.'s request is GRANTED. The Court shall disregard ECF Nos. 40-45. The Clerk of Court is respectfully directed to terminate ECF Nos. 40 and 44. SO ORDERED.

Dated: November 22, 2024
New York, New York

A handwritten signature in blue ink, appearing to read "Dale Ho", is written over the typed name.

Dale E. Ho
United States District Judge

Re: *TufAmerica, Inc. d/b/a Tuff City Records v. Songs of Universal, Inc.*,
24- cv-2585 (DEH): Defendant's Letter Motion to Stay Discovery Pending
Defendant's Motion to Dismiss

Dear Judge Ho:

We represent Defendant Songs of Universal, Inc. ("SOU") in the above-referenced action. We write to ask the Court to disregard ECF Docket Nos. 40-45, which were incorrectly filed yesterday. Plaintiff TufAmerica, Inc. d/b/a Tuff City Records ("Plaintiff") filed its copyright infringement Complaint on April 4, 2024. ECF Dkt #1. In response, Defendant Universal Music Publishing, Inc. ("UMP") filed its motion to dismiss the Complaint on September 23, 2024, and, UMP and non-party UMG Recordings, Inc. ("UMG") moved for leave to file one document, submitted in connection with UMP's motion to dismiss, in redacted form. Dkt #s 25-31. In response to UMP's motion to dismiss, Plaintiff filed its First Amended Complaint against SOU on October 29, 2024. Dkt. # 36.

On November 12, 2024, SOU filed its motion to dismiss and, along with UMG, moved for leave to file one document, submitted in connection with SOU's motion to dismiss, in redacted form. Unfortunately, rather than initially filing the correct motion to dismiss, UMP's September 23, 2024 motion to dismiss materials were erroneously filed. *See* Dkt #s 40-43. SOU had partially filed its motion to seal before it realized that the incorrect motion to dismiss materials had been filed. *See* Dkt #s 44-45. Thereafter, SOU filed the correct motion to dismiss materials at Docket Entry Nos. 46-49 and filed its accompanying motion to seal directly behind the correct motion to dismiss at Docket Entry Nos. 50-52.

SOU requests that the Court disregard Docket Entry Nos. 40-45, as the correct materials are found at Docket Entry Nos. 46-52. SOU apologizes for the filing error and the resulting inconvenience.

Cowan, Liebowitz & Latman, P.C.

Hon. Dale E. Ho


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We thank the Court for its time and consideration.

Respectfully,

COWAN, LIEBOWITZ & LATMAN, P.C.
*Attorneys for Defendant Songs of Universal,
Inc.*

By: 
Joelle A. Milov

cc: All Counsel of Record (by ECF)